

ORDINANCE NO \_\_\_\_\_

1 AN ORDINANCE ESTABLISHING INITIAL PERMANENT ZONING FOR THE  
2 PROPERTY LOCATED AT 3801-4001 BLOCK OF BEN GARZA LANE AND  
3 CHANGING THE ZONING MAP FROM INTERIM RURAL RESIDENCE (I-RR)  
4 DISTRICT, DEVELOPMENT RESERVE (DR) DISTRICT, AND SINGLE FAMILY  
5 RESIDENCE STANDARD LOT (SF-2) DISTRICT TO COMMUNITY  
6 COMMERCIAL-MIXED USE-CONDITIONAL OVERLAY (GR-MU-CO)  
7 COMBINING DISTRICT

8  
9 BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF AUSTIN

10  
11 **PART 1** The zoning map established by Section 25-2-19d of the City Code is amended to  
12 change the base district from interim rural residence (I-RR) district, development reserve  
13 (DR) district, and single family residence standard lot (SF-2) district to community  
14 commercial-mixed use-conditional overlay (GR-MU-CO) combining district on the  
15 property described in Zoning Case No C14-06-0197, on file at the Neighborhood Planning  
16 and Zoning Department, as follows

17  
18 A 7 695 acre tract of land, more or less, out of the Thomas Anderson League,  
19 Survey No 17, in Travis County, the tract of land being more particularly  
20 described by metes and bounds in Exhibit "A" incorporated into this ordinance,  
21 and

22  
23 A 1 55 acre tract of land, more or less, out of the Thomas Anderson League,  
24 Survey No 17, in Travis County, the tract of land being more particularly  
25 described by metes and bounds in Exhibit "B" incorporated into this ordinance  
26 (the "Property"),

27  
28 locally known as 3801-4001 Ben Garza Lane, in the City of Austin, Travis County, Texas,  
29 and generally identified in the map attached as Exhibit "C"

1 **PART 2** The Property within the boundaries of the conditional overlay combining district  
2 established by this ordinance is subject to the following conditions  
3

4 A The following uses are prohibited uses of the Property

5	Automotive rentals	Automotive repair services
6	Automotive sales	Automotive washing (of any type)
7	Exterminating services	Funeral services
8	Pawn shop services	Service station
9		

10  
11 B A site plan or building permit for the Property may not be approved, released,  
12 or issued, if the completed development or uses of the Property, considered  
13 cumulatively with all existing or previously authorized development and uses,  
14 generate traffic that exceeds 2,000 trips per-day  
15

16 Except as specifically restricted under this ordinance, the Property may be developed and  
17 used in accordance with the regulations established for the community commercial (GR)  
18 base district and other applicable requirements of the City Code  
19

20 **PART 3** This ordinance takes effect on \_\_\_\_\_, 2007  
21

22  
23 **PASSED AND APPROVED**

24  
25 §  
26 §  
27 \_\_\_\_\_, 2007 § \_\_\_\_\_  
28

29 Will Wynn  
30 Mayor

31  
32 **APPROVED** \_\_\_\_\_

**ATTEST** \_\_\_\_\_

33 David Allan Smith  
34 City Attorney

Shirley A. Gentry  
City Clerk

DESCRIPTION

DESCRIPTION OF 7 695 ACRES OF LAND SITUATED IN THE THOMAS ANDERSON LEAGUE SURVEY NO 17 IN TRAVIS COUNTY TEXAS BEING ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO EARL C MCCOMIS TRUSTEE OF THE EARL C MCCOMIS REVOCABLE LIVING TRUST OF RECORD IN DOCUMENT NO 2003121796 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS SAVE AND EXCEPT THAT CERTAIN TRACT OF LAND SAID TO CONTAIN 0 333 OF ONE ACRE OF LAND DESCRIBED IN DEED TO EARL C MCCOMIS TRUSTEE OF THE EARL C MCCOMIS REVOCABLE LIVING TRUST IN DOCUMENT NO 2003121793 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS SAVE AND EXCEPT THAT CERTAIN TRACT OF LAND SAID TO CONTAIN 0 348 OF ONE ACRE OF LAND DESCRIBED IN DEED TO EARL C MCCOMIS TRUSTEE OF THE EARL C MCCOMIS REVOCABLE LIVING TRUST IN DOCUMENT NO 2003121792 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS SAVE AND EXCEPT THAT CERTAIN TRACT OF LAND SAID TO CONTAIN 0 333 OF ONE ACRE OF LAND DESCRIBED IN DEED TO RANCHO GARZA II LTD IN DOCUMENT NO 2004163680 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS AND SAVE AND EXCEPT THAT CERTAIN TRACT OF LAND SAID TO CONTAIN 0 348 OF ONE ACRE OF LAND DESCRIBED IN DEED TO RANCHO GARZA II LTD IN DOCUMENT NO 2004163680 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS SAID 7 695 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

The courses and distances shown hereon are based on record data contained in Document No 2003121796 of the Official Public Records of Travis County Texas

BEGINNING at a point in the north line of that certain tract of land said to contain 1 55 acres of land described in deed to Earl C McComis, Trustee of The Earl C McComis Revocable Living Trust in Document No 2003121796 of the Official Public Records of Travis County Texas for the southeast corner of Section 1 Tract A Garza Place Subdivision of record in Volume 43 Page 21 of the Plat Records of Travis County Texas for the easternmost northeast corner of Lot 1 Block D Garza Ranch Subdivision of record in Volume 90 Page 4 of the Plat Records of Travis County Texas for the southwest corner and POINT OF BEGINNING of the herein described tract

THENCE with a east line of said Section 1 Tract A, and the west line of the herein described tract N30°09 E a distance of 360 35 feet to an ell point in the south right-of-way line of Ben Garza Lane (right-of-way varies) described in Volume 3513 Page 459 of the Deed Records of Travis County Texas, for the northwest corner of the herein described tract

THENCE with the south right-of way line of said Ben Garza Lane and the north line of the herein described tract S60°00 E a distance of 927 80 feet to an ell point in the south right-of way line of said Ben Garza Lane for the northeast corner of that certain tract of land said to contain 0 333 of one acre of land said Rancho Garza II Ltd for the northeast corner of the herein described tract

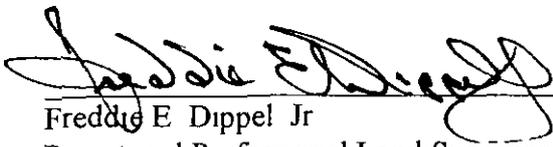
THENCE with the east line of said 0 333 of one acre of land tract, the south right-of-way line of said Ben Garza Lane and the east line of the herein described tract S29°24 W a distance of 360 42 feet to a point in the north line of that certain tract of land said to contain 0 192 of one acre of land described in deed to Rancho Garza II Ltd in Volume 5091 Page 194 of the Deed Records of Travis County Texas, for the southeast corner of that certain tract of land said to contain 0 348 of one acre of land said Rancho Garza II Ltd and the southwest corner of Lot 1, Garza Brodie Subdivision of record in Document No 200300328 of the Official Public Records of Travis County Texas for the southeast corner of the herein described tract

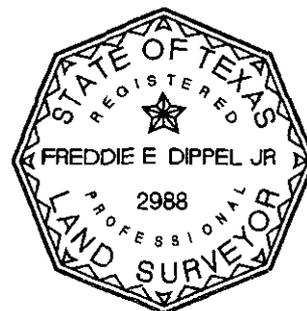
THENCE with the north line of said 0 192 of one acre of land tract the south line of said 0 348 of one acre of land tract and the south line of the herein described tract N60°00 W a distance of 932 42 feet to the POINT OF BEGINNING, containing 7 695 acres of land more or less within these metes and bounds

Reference is herein made to the sketch accompanying this metes and bounds description

This Document was prepared under 22 TAC §663 21 does not reflect the results of an on the ground survey and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared

CUNNINGHAM-ALLEN INC

  
Freddie E Dippel Jr  
Registered Professional Land Surveyor No 2988  
Date 10-3-06





DESCRIPTION

DESCRIPTION OF 1 55 ACRES OF LAND SITUATED IN THE THOMAS ANDERSON LEAGUE SURVEY NO 17 IN TRAVIS COUNTY TEXAS BEING THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO EARL C MCCOMIS TRUSTEE OF THE EARL C MCCOMIS REVOCABLE LIVING TRUST OF RECORD IN DOCUMENT NO 2003121796 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS SAVE AND EXCEPT THAT CERTAIN TRACT OF LAND SAID TO CONTAIN 0 192 OF ONE ACRE OF LAND DESCRIBED IN DEED TO RANCHO GARZA II, LTD IN VOLUME 5091 PAGE 194 OF THE DEED RECORDS OF TRAVIS COUNTY TEXAS SAID 1 55 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

The courses and distances shown hereon are based on record data contained in Document No 2003121796 of the Official Public Records of Travis County Texas

BEGINNING at a point for the westernmost northeast corner of Lot 1 Block D Garza Ranch Subdivision of record in Volume 90 Page 4 of the Plat Records of Travis County Texas and for the northwest corner and POINT OF BEGINNING of the herein described tract

THENCE with the south line of that certain tract of land said to contain 7 695 acres of land described in deed to Earl C McComis, Trustee of The Earl C McComis Revocable Living Trust in Document No 2003121796 of the Official Public Records of Travis County Texas and the north line of the herein described tract S60°00 E a distance of 1037 55 feet to a point in the south line of Lot 1 Garza Brodie Subdivision of record in Document No 200300328 of the Official Public Records of Travis County Texas an ell point in the north line of H E B / #23 Subdivision of record in Volume 100 Page 327 of the Plat Records of Travis County Texas and the northeast corner of said Rancho Garza II Ltd tract for the northeast corner of the herein described tract

THENCE with the east line of said Rancho Garza II Ltd tract a west line of said H E B / #23 Subdivision and the east line of the herein described tract S30°00 W a distance of 65 00 feet to an ell point in the north line of said H E B / #23 Subdivision and the southeast corner of said Rancho Garza II Ltd tract for the southeast corner of the herein described tract

THENCE with the south line of said Rancho Garza II Ltd tract the north line of said H E B / #23 Subdivision and the south line of the herein described tract, N60°00 W a distance of 1037 55 feet to a point in the east line of said Lot 1 Block D and the northwest

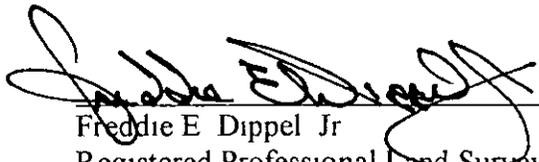
corner of said H E B / #23 Subdivision for the southwest corner of the herein described tract

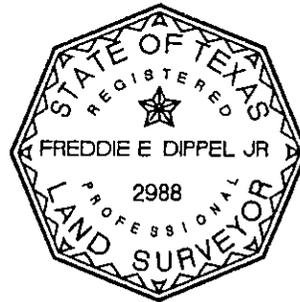
THENCE with the east line of said Lot 1 Block D and the west line of the herein described tract N30°00'E a distance of 65.00 feet to the POINT OF BEGINNING containing 1.55 acres of land more or less within these metes and bounds

Reference is herein made to the sketch accompanying this metes and bounds description

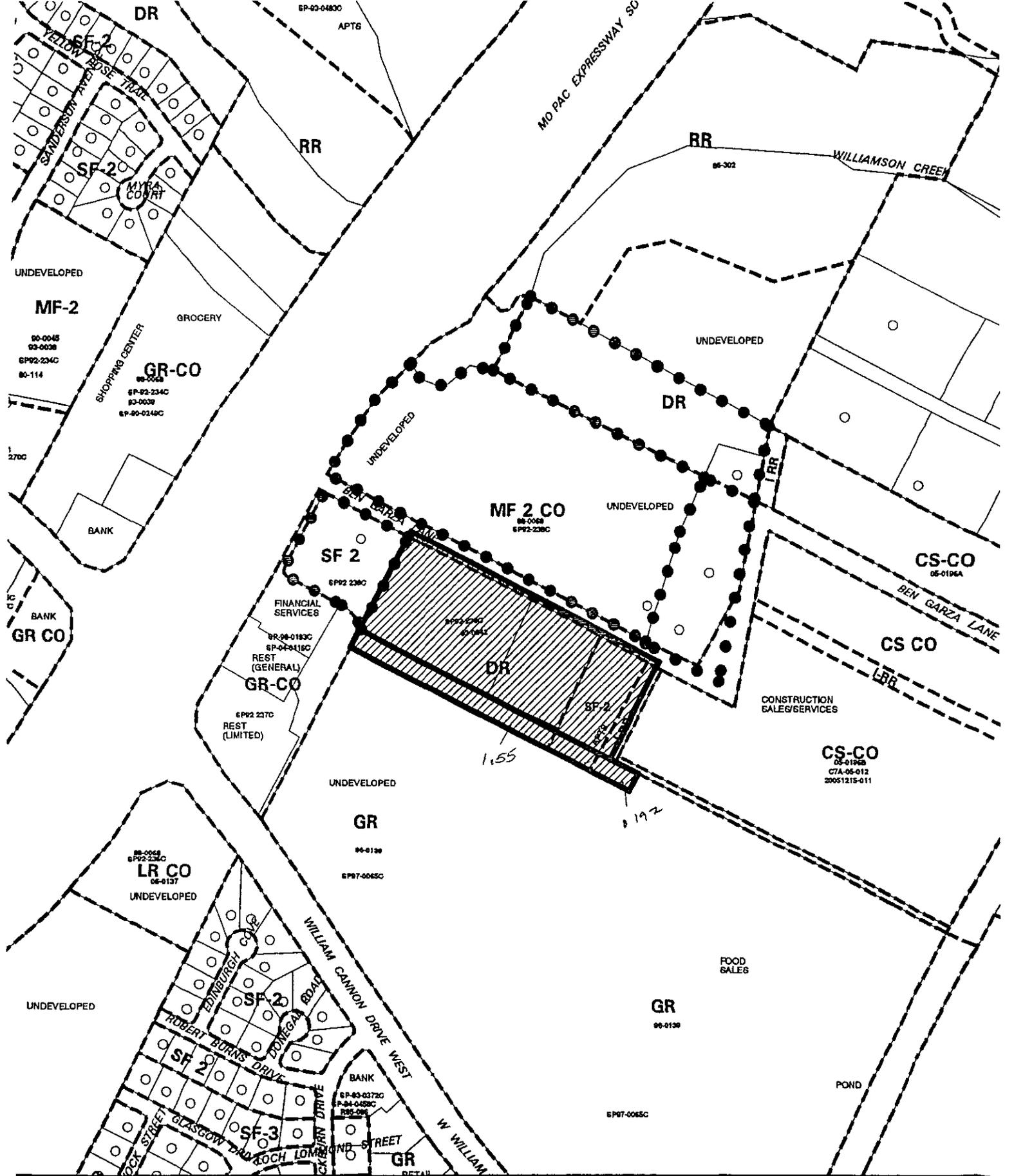
This Document was prepared under 22 TAC §663.21 does not reflect the results of an on the ground survey and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared

CUNNINGHAM-ALLEN INC

  
\_\_\_\_\_  
Freddie E Dippel Jr  
Registered Professional Land Surveyor No 2988  
Date 10-3-06







<p>1" = 400'</p>	<p>SUBJECT TRACT </p> <p>PENDING CASE </p> <p>ZONING BOUNDARY </p> <p>CASE MGR W WALSH</p>	<p><b>ZONING EXHIBIT C</b></p> <p><b>CASE # C14-06-0197</b></p> <p>ADDRESS 3801 4001 BLK BEN GARZA</p> <p>LN</p> <p>SUBJECT AREA (acres) 9.245</p>	<p>DATE 06 11</p> <p>INTLS SM</p>	<p>CITY GRID REFERENCE NUMBER</p> <p>E18</p>
------------------	--	--	-----------------------------------	--

Zoning Case No C14-06-0181  
Zoning Case No C14-06-0197  
Zoning Case No C14-06-0199

**RESTRICTIVE COVENANT**

OWNERS                   The Earl McComis Revocable Living Trust,  
  
                              Rancho Garza, Ltd , a Texas limited partnership,  
  
                              Rancho Garza II, Ltd , a Texas limited partnership,  
  
                              The Estate of Eli J Garza

ADDRESS                See Below

CONSIDERATION       Ten and No/100 Dollars (\$10 00) and other good and valuable consideration paid by the City of Austin to the Owner, the receipt and sufficiency of which is acknowledged

PROPERTY              Tract A, Garza Place Section 1 Subdivision, a subdivision in the City of Austin, Travis County, Texas, according to the map or plat of record in Plat Book 43, Page 21 of the Plat Records of Travis County Texas

                              Lot 1 Bock E, Garza Ranch Subdivision, a subdivision in the City of Austin Travis County Texas according to the map or plat of record in Plat Book 90, Page 6, of the Plat Records of Travis County, Texas

                              A 7 695 acre tract of land more or less out of the Thomas Anderson League, Survey No 17, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit A incorporated into this covenant, and

                              A 1 55 acre tract of land, more or less, out of the Thomas Anderson League Survey No 17 in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit B incorporated into this covenant, and

                              A 5 40 acre tract of land, more or less out of the Thomas Anderson League Survey No 17, in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "C" incorporated into this covenant and

                              A 3 07 acre tract of land, more or less, out of the Thomas Anderson League, Survey No 17 in Travis County, the tract of land being more particularly described by metes and bounds in Exhibit "D" incorporated into this covenant,

WHEREAS, the Owners of the Property and the City of Austin have agreed that the Property should be impressed with certain covenants and restrictions,

NOW, THEREFORE, it is declared that the Owners of the Property, for the consideration, shall hold, sell and convey the Property, subject to the following covenants and restrictions impressed upon the Property by this restrictive covenant These covenants and restrictions shall run with the land and shall be binding on the Owners of the Property, its heirs, successors, and assigns

- 1 The total number of units in all stand-alone multifamily residential structures may not exceed 450 residential units

- 2 If any person or entity shall violate or attempt to violate this agreement and covenant, it shall be lawful for the City of Austin to prosecute proceedings at law or in equity against such person or entity violating or attempting to violate such agreement or covenant to prevent the person or entity from such actions, and to collect damages for such actions
- 3 If any part of this agreement or covenant is declared invalid, by judgment or court order, the same shall in no way affect any of the other provisions of this agreement, and such remaining portion of this agreement shall remain in full effect
- 4 If at any time the City of Austin fails to enforce this agreement whether or not any violations of it are known such failure shall not constitute a waiver or estoppel of the right to enforce it
- 5 This agreement may be modified, amended or terminated only by joint action of both (a) a majority of the members of the City Council of the City of Austin, and (b) by the owner(s) of the Property subject to the modification, amendment or termination at the time of such modification, amendment or termination
- 6 This Restrictive Covenant may be executed in any number of counterparts, each of which is deemed to be an original, and all of which are identical

EXECUTED this the \_\_\_\_\_ day of \_\_\_\_\_, 2007

#### **OWNERS**

#### **The Earl McComis Revocable Living Trust**

By \_\_\_\_\_  
Marcella Calhoun  
Co Successor Trustee

Address 113 Prairie Hill Dr  
Dale TX 78616

By \_\_\_\_\_  
Sheila Otterpohl,  
Co-Successor Trustee

Address 15200 Flamingo Drive North  
Austin, TX 78734

By \_\_\_\_\_  
Teresa Touchstone,  
Co-Successor Trustee

Address 404 Sinclair  
Spicewood, TX 78669

**Rancho Garza, Ltd ,  
a Texas limited partnership**

By Rancho Garza Investments Inc ,  
a Texas corporation  
General Partner

By \_\_\_\_\_  
Ron White,  
President

**Rancho Garza II, Ltd ,  
a Texas limited partnership**

By Rancho Garza Investments Inc  
a Texas corporation  
General Partner

By \_\_\_\_\_  
Ron White,  
President

**The Estate of Eli J Garza,**

By \_\_\_\_\_  
Ronald Harry White,  
Independent Co-Executor

Address 17830 Serene Hills Pass  
Austin, TX 78738

APPROVED AS TO FORM

\_\_\_\_\_  
Assistant City Attorney  
City of Austin

**THE STATE OF TEXAS** §

**COUNTY OF TRAVIS** §

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_, 2007, by Marcella Calhoun Co-Successor Trustee of the Earl McComis Revocable Living Trust

\_\_\_\_\_  
Notary Public State of Texas

**THE STATE OF TEXAS** §

**COUNTY OF TRAVIS** §

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_, 2007, by Sheila Otterpohl Co-Successor Trustee of the Earl McComis Revocable Living Trust

\_\_\_\_\_  
Notary Public State of Texas

**THE STATE OF TEXAS** §

**COUNTY OF TRAVIS** §

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_, 2007, by Teresa Touchstone, Co-Successor Trustee of the Earl McComis Revocable Living Trust

\_\_\_\_\_  
Notary Public, State of Texas

**THE STATE OF TEXAS §**

**COUNTY OF TRAVIS §**

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_, 2007, by Ron White, President of Rancho Garza Investments, Inc , a Texas corporation General Partner of Rancho Garza Ltd a Texas limited partnership and General Partner of Rancho Garza II Ltd , a Texas limited partnership, on behalf of the corporation and the partnerships

\_\_\_\_\_  
Notary Public, State of Texas

**THE STATE OF TEXAS §**

**COUNTY OF TRAVIS §**

This instrument was acknowledged before me on this the \_\_\_\_ day of \_\_\_\_\_, 2007 by Ronald Harry White, Independent Co-Executor of the Eli J Garza Trust

\_\_\_\_\_  
Notary Public, State of Texas

**After Recording, Please Return to  
City of Austin  
Department of Law  
P O Box 1088  
Austin, Texas 78767  
Attention Diana Minter, Legal Assistant**

DESCRIPTION

DESCRIPTION OF 7 695 ACRES OF LAND SITUATED IN THE THOMAS ANDERSON LEAGUE SURVEY NO 17 IN TRAVIS COUNTY TEXAS, BEING ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO EARL C MCCOMIS, TRUSTEE OF THE EARL C MCCOMIS REVOCABLE LIVING TRUST OF RECORD IN DOCUMENT NO 2003121796, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS SAVE AND EXCEPT THAT CERTAIN TRACT OF LAND SAID TO CONTAIN 0 333 OF ONE ACRE OF LAND DESCRIBED IN DEED TO EARL C MCCOMIS TRUSTEE OF THE EARL C MCCOMIS REVOCABLE LIVING TRUST IN DOCUMENT NO 2003121793 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS, SAVE AND EXCEPT THAT CERTAIN TRACT OF LAND SAID TO CONTAIN 0 348 OF ONE ACRE OF LAND DESCRIBED IN DEED TO EARL C MCCOMIS, TRUSTEE OF THE EARL C MCCOMIS REVOCABLE LIVING TRUST IN DOCUMENT NO 2003121792 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS SAVE AND EXCEPT THAT CERTAIN TRACT OF LAND SAID TO CONTAIN 0 333 OF ONE ACRE OF LAND DESCRIBED IN DEED TO RANCHO GARZA II LTD IN DOCUMENT NO 2004163680 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS, AND SAVE AND EXCEPT THAT CERTAIN TRACT OF LAND SAID TO CONTAIN 0 348 OF ONE ACRE OF LAND DESCRIBED IN DEED TO RANCHO GARZA II LTD IN DOCUMENT NO 2004163680 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS SAID 7 695 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

The courses and distances shown hereon are based on record data contained in Document No 2003121796 of the Official Public Records of Travis County Texas

BEGINNING at a point in the north line of that certain tract of land said to contain 1 55 acres of land described in deed to Earl C McComis Trustee of The Earl C McComis Revocable Living Trust in Document No 2003121796, of the Official Public Records of Travis County, Texas, for the southeast corner of Section 1 Tract A, Garza Place Subdivision of record in Volume 43 Page 21 of the Plat Records of Travis County Texas for the easternmost northeast corner of Lot 1, Block D, Garza Ranch Subdivision of record in Volume 90 Page 4 of the Plat Records of Travis County, Texas, for the southwest corner and POINT OF BEGINNING of the herein described tract

THENCE with a east line of said Section 1 Tract A, and the west line of the herein described tract, N30°09'E a distance of 360 35 feet to an ell point in the south right-of way line of Ben Garza Lane (right-of-way varies) described in Volume 3513 Page 459 of the Deed Records of Travis County Texas, for the northwest corner of the herein described tract,

THENCE with the south right-of-way line of said Ben Garza Lane and the north line of the herein described tract, S60°00'E a distance of 927 80 feet to an ell point in the south right-of-way line of said Ben Garza Lane for the northeast corner of that certain tract of land said to contain 0 333 of one acre of land said Rancho Garza II Ltd for the northeast corner of the herein described tract

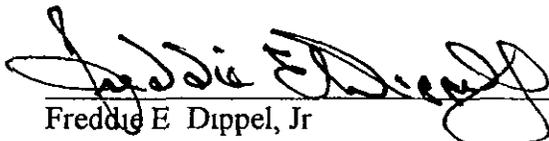
THENCE with the east line of said 0 333 of one acre of land tract, the south right-of-way line of said Ben Garza Lane and the east line of the herein described tract S29°24 W a distance of 360 42 feet to a point in the north line of that certain tract of land said to contain 0 192 of one acre of land described in deed to Rancho Garza II Ltd in Volume 5091 Page 194 of the Deed Records of Travis County, Texas, for the southeast corner of that certain tract of land said to contain 0 348 of one acre of land said Rancho Garza II, Ltd and the southwest corner of Lot 1, Garza Brodie Subdivision of record in Document No 200300328 of the Official Public Records of Travis County Texas for the southeast corner of the herein described tract,

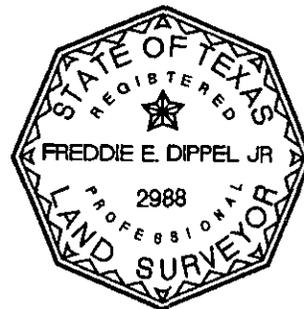
THENCE with the north line of said 0 192 of one acre of land tract the south line of said 0 348 of one acre of land tract, and the south line of the herein described tract N60°00 W a distance of 932 42 feet to the POINT OF BEGINNING, containing 7 695 acres of land more or less within these metes and bounds

Reference is herein made to the sketch accompanying this metes and bounds description

This Document was prepared under 22 TAC §663 21 does not reflect the results of an on the ground survey and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared

CUNNINGHAM-ALLEN INC

  
Freddie E. Dippel, Jr  
Registered Professional Land Surveyor No 2988  
Date 10-8-06



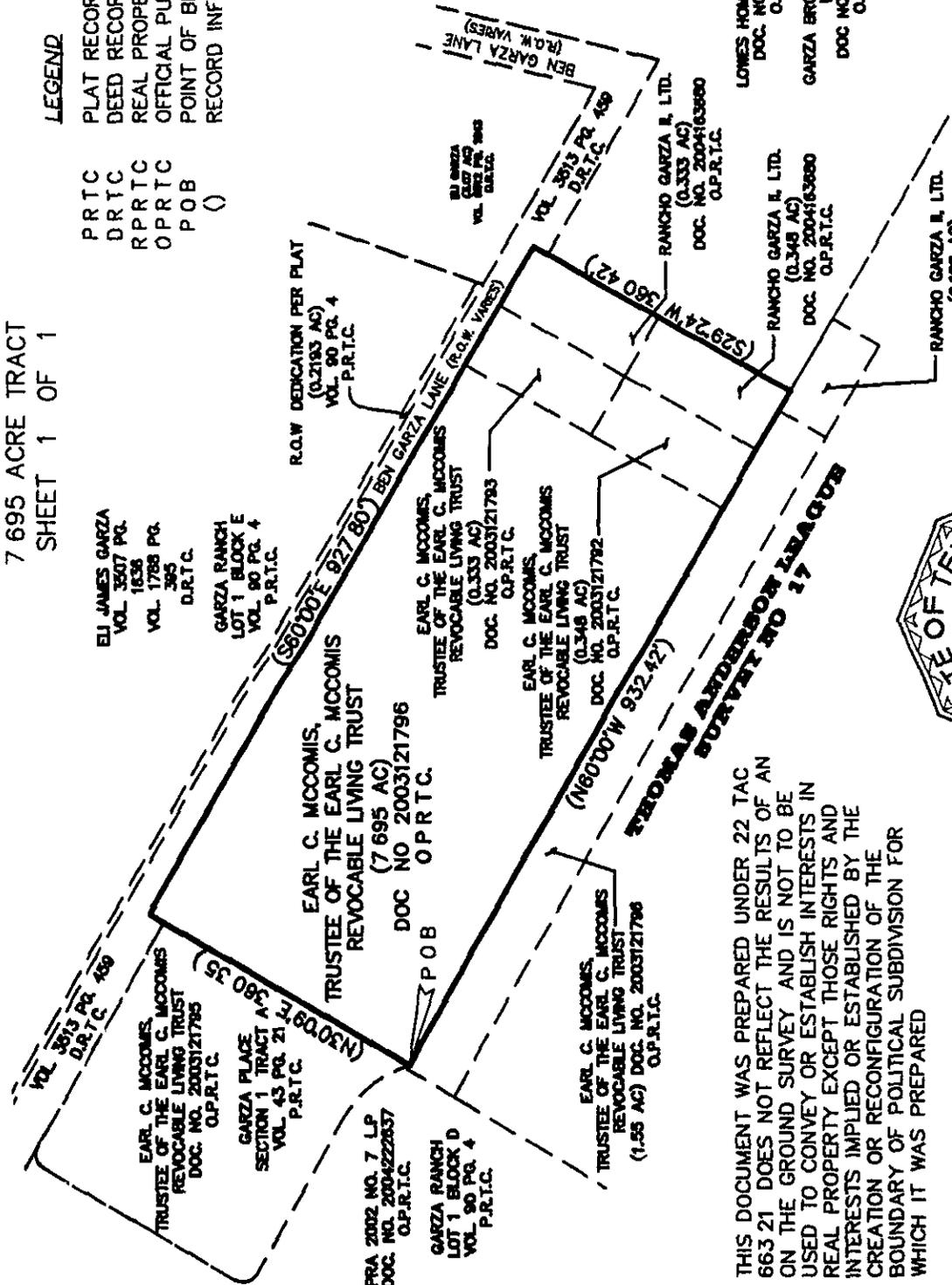
# SKETCH TO ACCOMPANY DESCRIPTION

7.695 ACRE TRACT  
SHEET 1 OF 1

SCALE 1" = 200

## LEGEND

- P.R.T.C. PLAT RECORDS TRAVIS COUNTY
- D.R.T.C. DEED RECORDS OF TRAVIS COUNTY
- R.P.R.T.C. REAL PROPERTY RECORDS OF TRAVIS COUNTY
- O.P.R.T.C. OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY
- P.O.B. POINT OF BEGINNING
- ( ) RECORD INFORMATION



THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21 DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE INTERESTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED

SURVEYED BY  
*Freddie E. Dippel, Jr.*  
FREDDIE E. DIPPEL, JR.  
REG. PROF. LAND SURVEYOR  
NO. 2988  
DATE 10-3-06

© COPYRIGHT 2006 CUNNINGHAM-ALLEN INC

**Cunningham | Allen**  
Engineers Surveyors  
3103 Bee Cave Road, Suite 202  
Austin Texas 78746-6819  
Tel. (512) 327 2946  
Fax. (512) 327 2973

DESCRIPTION

DESCRIPTION OF 1 55 ACRES OF LAND SITUATED IN THE THOMAS ANDERSON LEAGUE SURVEY NO 17 IN TRAVIS COUNTY TEXAS, BEING THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO EARL C MCCOMIS TRUSTEE OF THE EARL C MCCOMIS REVOCABLE LIVING TRUST OF RECORD IN DOCUMENT NO 2003121796, OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY, TEXAS SAVE AND EXCEPT THAT CERTAIN TRACT OF LAND SAID TO CONTAIN 0 192 OF ONE ACRE OF LAND DESCRIBED IN DEED TO RANCHO GARZA II, LTD IN VOLUME 5091 PAGE 194 OF THE DEED RECORDS OF TRAVIS COUNTY TEXAS, SAID 1 55 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

The courses and distances shown hereon are based on record data contained in Document No 2003121796, of the Official Public Records of Travis County Texas

BEGINNING at a point for the westernmost northeast corner of Lot 1 Block D Garza Ranch Subdivision of record in Volume 90 Page 4 of the Plat Records of Travis County Texas and for the northwest corner and POINT OF BEGINNING of the herein described tract

THENCE with the south line of that certain tract of land said to contain 7 695 acres of land, described in deed to Earl C McComis, Trustee of The Earl C McComis Revocable Living Trust in Document No 2003121796 of the Official Public Records of Travis County Texas and the north line of the herein described tract, S60°00' E a distance of 1037 55 feet to a point in the south line of Lot 1 Garza Brodie Subdivision of record in Document No 200300328 of the Official Public Records of Travis County Texas an ell point in the north line of H E B / #23 Subdivision of record in Volume 100 Page 327 of the Plat Records of Travis County, Texas and the northeast corner of said Rancho Garza II, Ltd tract for the northeast corner of the herein described tract

THENCE with the east line of said Rancho Garza II Ltd tract a west line of said H E B / #23 Subdivision and the east line of the herein described tract S30°00' W a distance of 65 00 feet to an ell point in the north line of said H E B / #23 Subdivision, and the southeast corner of said Rancho Garza II Ltd tract for the southeast corner of the herein described tract

THENCE with the south line of said Rancho Garza II Ltd tract, the north line of said H E B / #23 Subdivision, and the south line of the herein described tract, N60°00' W a distance of 1037 55 feet to a point in the east line of said Lot 1, Block D, and the northwest

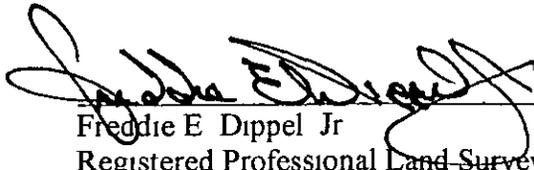
corner of said H E B / #23 Subdivision for the southwest corner of the herein described tract

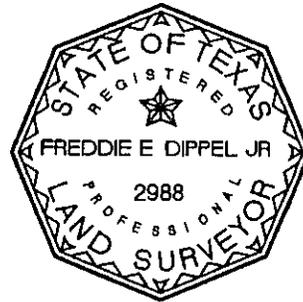
THENCE with the east line of said Lot 1 Block D and the west line of the herein described tract N30°00 E a distance of 65.00 feet to the POINT OF BEGINNING, containing 1.55 acres of land more or less within these metes and bounds

Reference is herein made to the sketch accompanying this metes and bounds description

This Document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared

CUNNINGHAM-ALLEN INC

  
\_\_\_\_\_  
Freddie E Dippel Jr  
Registered Professional Land Surveyor No 2988  
Date 10-3-06



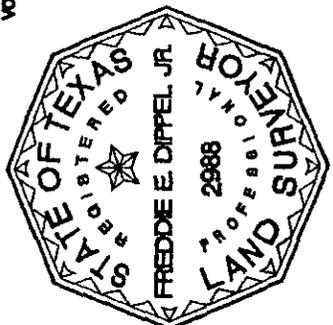
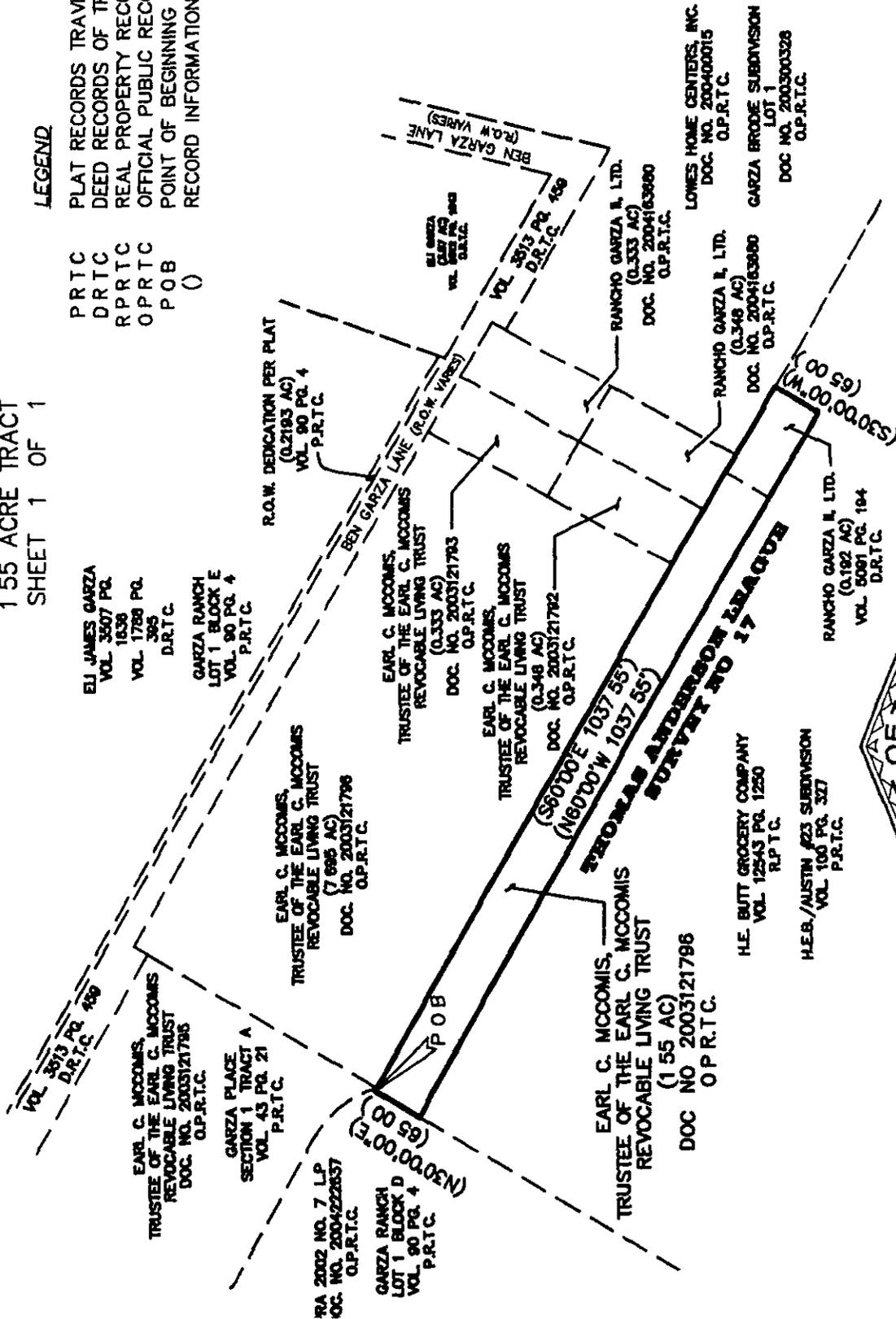
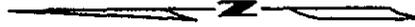
# SKETCH TO ACCOMPANY DESCRIPTION

1.55 ACRE TRACT  
SHEET 1 OF 1

## LEGEND

- P R T C PLAT RECORDS TRAVIS COUNTY
- D R T C DEED RECORDS OF TRAVIS COUNTY
- R P R T C REAL PROPERTY RECORDS OF TRAVIS COUNTY
- O P R T C OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY
- P O B POINT OF BEGINNING
- ( ) RECORD INFORMATION

SCALE 1" = 200



SURVEYED BY  
*Freddie E. Dippel, Jr.*  
FREDDIE E. DIPPEL, JR.  
REG PROF LAND SURVEYOR  
NO 2988  
DATE 10-3-06

THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21 DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED



**Cunningham | Allen**  
Engineers Surveyors  
3103 Bee Cave Road Suite 202  
Austin Texas 78746-6819  
Tel (512) 327 2946  
Fax (512) 327 2973

C14-06-0199

EXHIBIT "C"  
Page 1 of 2

5 40 Acre Tract  
Thomas Anderson League Survey No 17  
Travis County, Texas

DESCRIPTION

DESCRIPTION OF 5 40 ACRES OF LAND SITUATED IN THE THOMAS ANDERSON LEAGUE, SURVEY NO 17 IN TRAVIS COUNTY, TEXAS BEING ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO ELI JAMES GARZA OF RECORD IN DOCUMENT NO 2004018557 OF THE OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY TEXAS, SAID 5 40 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

The courses and distances shown hereon are based on record data contained in Document No 2004018557 of the Official Public Records of Travis County Texas

BEGINNING at a point for the northeast corner of Lot 2 Block E Garza Ranch Subdivision of record in Volume 90 Page 4 of the Plat Records of Travis County Texas in a south line of that certain tract of land described in deed to the City of Austin in Volume 12593 Page 3440 of the Real Property Records of Travis County Texas for the northwest corner and POINT OF BEGINNING of the herein described tract

THENCE with a south line of said City of Austin tract and the north line of the herein described tract S59°24 E a distance of 892 69 feet to a point for the southeast corner of said City of Austin tract the southwest corner of that certain tract of land described in deed to Harold G Kennedy and Wife B Joy Kennedy in Volume 4026, Page 1507 of the Deed Records of Travis County, Texas and the northwest corner of that certain tract of land described in deed to Ben Garza in Volume 460 Page 564 of the Deed Records of Travis County Texas for the northeast corner of the herein described tract

THENCE with the west line of said Ben Garza tract and the east line of the herein described tract S13°23 W a distance of 251 02 feet to a point for the northeast corner of certain tract of land said to contain 3 07 acres of land described in deed to Eli Garza in Volume 6512 Page 1843 of the Deed Records of Travis County, Texas for the southeast corner of the herein described tract,

THENCE with the north line of said 3 07 acre tract and the south line of the herein described tract N60°58 W a distance of 964 54 feet to a point in the north line of Lot 1 Block E Garza Ranch Subdivision of record in Volume 90, Page 4 of the Plat Records of Travis County Texas and the southeast corner of said Lot 2 Block E, for the southwest corner of the herein described tract,

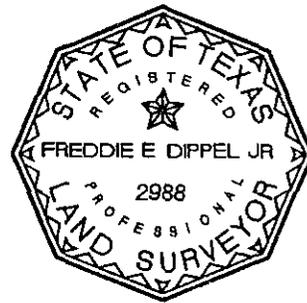
THENCE with the east line of Lot 2 Block E and the west line of the herein described tract N30°E a distance of 266 25 feet to the POINT OF BEGINNING containing 5 40 acres of land more or less within these metes and bounds

Reference is herein made to the sketch accompanying this metes and bounds description

This Document was prepared under 22 TAC §663 21 does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared

CUNNINGHAM-ALLEN INC

  
Freddie E Dippel Jr  
Registered Professional Land Surveyor No 2988  
Date 10-2-06



# SKETCH TO ACCOMPANY DESCRIPTION

5.40 ACRE TRACT  
SHEET 1 OF 1

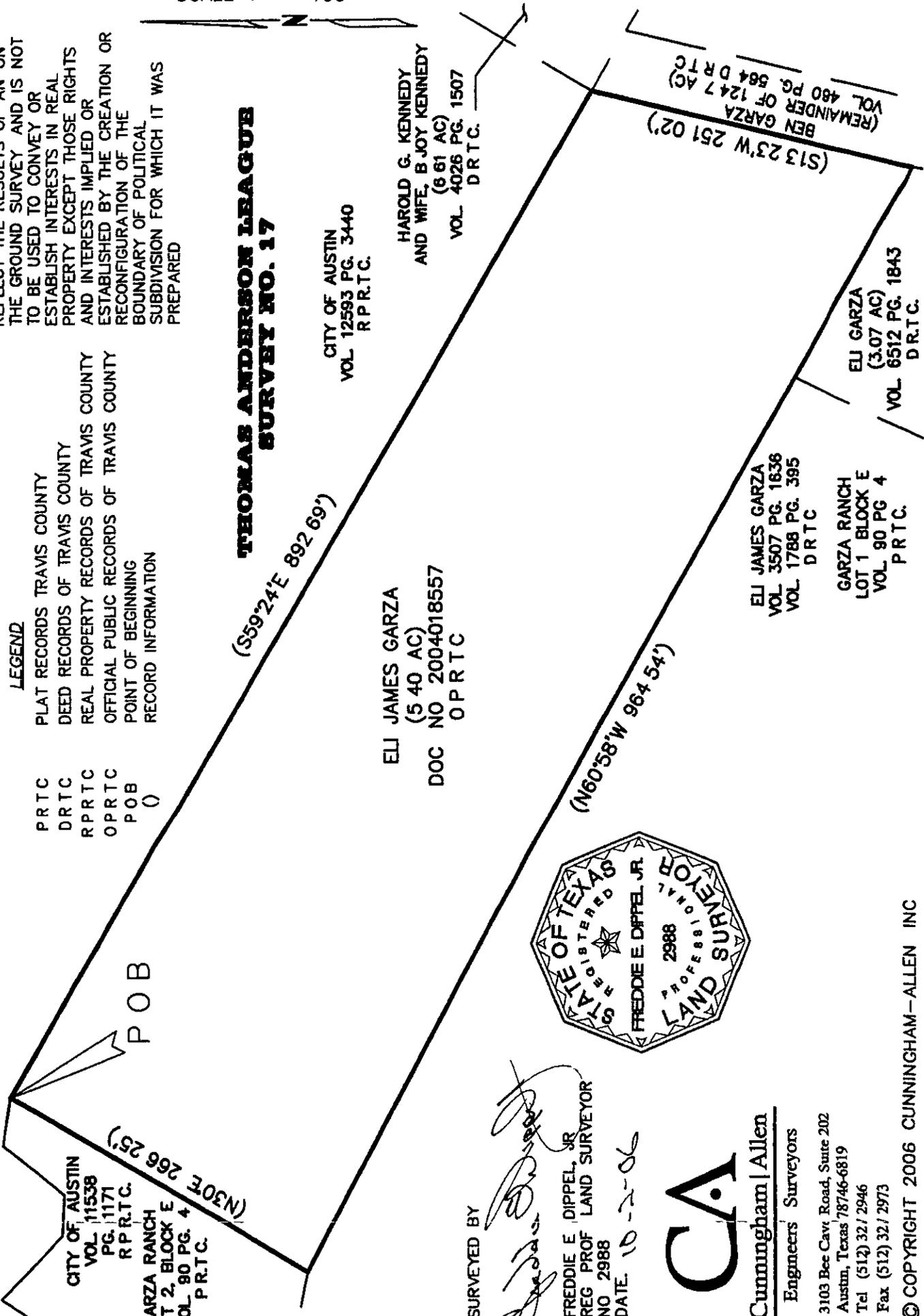
THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21 DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND SURVEY AND IS NOT TO BE USED TO CONVEY OR ESTABLISH INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR RECONFIGURATION OF THE BOUNDARY OF POLITICAL SUBDIVISION FOR WHICH IT WAS PREPARED

### LEGEND

- PRTC PLAT RECORDS TRAVIS COUNTY
- DRTC DEED RECORDS OF TRAVIS COUNTY
- RPRTC REAL PROPERTY RECORDS OF TRAVIS COUNTY
- OPRTC OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY
- POB POINT OF BEGINNING
- RECORD INFORMATION

SCALE 1" = 100

## THOMAS ANDERSON LEAGUE SURVEY NO. 17



CITY OF AUSTIN  
VOL. 11538  
PG. 1171  
R.P.R.T.C.  
GARZA RANCH  
LOT 2, BLOCK E  
VOL. 90 PG. 4  
P.R.T.C.

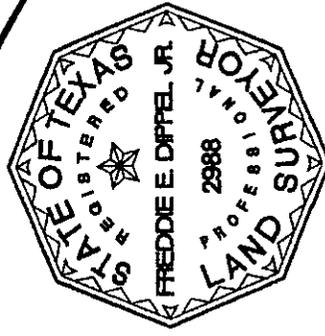
POB

(S59°24'E 892.69')

CITY OF AUSTIN  
VOL. 12593 PG. 3440  
R.P.R.T.C.

ELI JAMES GARZA  
(5.40 AC)  
DOC NO. 2004018557  
O.P.R.T.C.

HAROLD G. KENNEDY  
AND WIFE, B JOY KENNEDY  
(6.61 AC)  
VOL. 4026 PG. 1507  
D.R.T.C.



SURVEYED BY  
*Freddie E. Dippel, Jr.*  
FREDDIE E. DIPPEL, JR.  
REG. PROF. LAND SURVEYOR  
NO. 2988  
DATE: 10-2-06



Cunningham | Allen  
Engineers | Surveyors

3103 Bee Cavi Road, Suite 202  
Austin, Texas 78746-6819  
Tel (512) 321 2946  
Fax (512) 321 2973

(S13°23'W 251.02')  
BEN GARZA  
(REMAINDER OF 124.7 AC)  
VOL. 480 PG. 584 D.R.T.C.

ELI JAMES GARZA  
VOL. 3507 PG. 1636  
VOL. 1788 PG. 395  
D.R.T.C.

GARZA RANCH  
LOT 1 BLOCK E  
VOL. 90 PG. 4  
P.R.T.C.

ELI GARZA  
(3.07 AC)  
VOL. 6512 PG. 1843  
D.R.T.C.

DESCRIPTION

DESCRIPTION OF 3 07 ACRES OF LAND SITUATED IN THE THOMAS ANDERSON LEAGUE, SURVEY NO 17 IN TRAVIS COUNTY TEXAS, BEING ALL OF THAT CERTAIN TRACT OF LAND DESCRIBED IN DEED TO ELI GARZA OF RECORD IN VOLUME 6512, PAGE 1843 OF THE DEED RECORDS OF TRAVIS COUNTY, TEXAS SAID 3 07 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS

The courses and distances shown hereon are based on record data contained in Volume 6512, Page 1843 of the Deed Records of Travis County, Texas

BEGINNING at a point for the southeast corner of that certain tract of land said to contain 5 40 acres described in deed to Eli James Garza of record in Document No 2004018557, of the Official Public Records of Travis County, Texas in a west line of that certain tract of land said to contain 124 7 acres of land described in deed to Ben Garza of record in Volume 460 Page 564 of the Deed Records of Travis County Texas for the northeast corner and POINT OF BEGINNING of the herein described tract

THENCE with a west line of said Ben Garza tract, and the east line of the herein described tract S13°23 W a distance of 596 01 feet to an ell point in the north right-of-way line of Ben Garza Lane (right-of way varies) of record in Volume 3513, Page 459 of the Deed Records of Travis County Texas for the southeast corner of the herein described tract

THENCE with the north line of said Ben Garza Lane and the south line of the herein described tract N60°00'W a distance of 272 06 feet to a point for the southeast corner of Lot 1, Block E Garza Ranch Subdivision of record in Volume 90 Page 4 of the Plat Records of Travis County Texas, for the southwest corner of the herein described tract

THENCE with the east line of said Lot 1 Block E and the west line of the herein described tract the following two (2) courses and distances

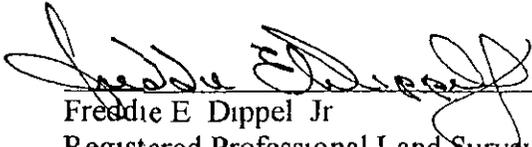
- 1 N19°41 W a distance of 382 00 feet to a point
- 2 N26°31 W a distance of 192 58 feet to a point in the south line of said 5 40 acre tract for the northeast corner of said Lot 1 Block E, and the northwest corner of the herein described tract,

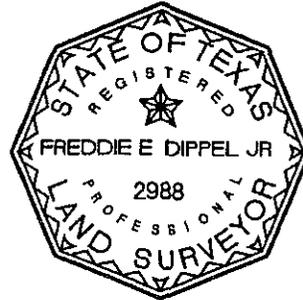
THENCE with the south line of said 5 40 acre tract, and the north line of the herein described tract, S60°58 E a distance of 181 96 feet to the POINT OF BEGINNING containing 3 07 acres of land more or less within these metes and bounds

Reference is herein made to the sketch accompanying this metes and bounds description

This Document was prepared under 22 TAC §663 21 does not reflect the results of an on the ground survey and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared

CUNNINGHAM-ALLEN INC

  
Freddie E Dippel Jr  
Registered Professional Land Surveyor No 2988  
Date 10-2-06



# SKETCH TO ACCOMPANY DESCRIPTION

3.07 ACRE TRACT  
SHEET 1 OF 1

THIS DOCUMENT WAS PREPARED UNDER 22 TAC 663.21  
DOES NOT REFLECT THE RESULTS OF AN ON THE GROUND  
SURVEY AND IS NOT TO BE USED TO CONVEY OR ESTABLISH  
INTERESTS IN REAL PROPERTY EXCEPT THOSE RIGHTS AND  
INTERESTS IMPLIED OR ESTABLISHED BY THE CREATION OR  
RECONFIGURATION OF THE BOUNDARY OF POLITICAL  
SUBDIVISION FOR WHICH IT WAS PREPARED

ELI JAMES GARZA  
(5.40 AC)  
DOC NO 2004018557  
OPRTC

### LEGEND

PRTC	PLAT RECORDS TRAVIS COUNTY
DRTC	DEED RECORDS OF TRAVIS COUNTY
RPRTC	REAL PROPERTY RECORDS OF TRAVIS COUNTY
OPRTC	OFFICIAL PUBLIC RECORDS OF TRAVIS COUNTY
POB	POINT OF BEGINNING
( )	RECORD INFORMATION

ELI JAMES GARZA  
VOL. 3507 PG. 1636  
VOL. 1788 PG. 395  
DRTC

GARZA RANCH  
LOT 1, BLOCK E  
VOL. 90 PG. 4  
PRTC.

ELI GARZA  
(3.07 AC)  
VOL. 6512 PG. 1843  
DRTC

ROW DEDICATION PER PLAT  
(0.2193 AC)  
VOL. 90 PG. 4  
PRTC

BEN GARZA  
(REMAINDER OF 124.7 AC)  
VOL. 480 PG. 564 D.R.T.C.

SCALE 1" = 100

BEN GARZA LANE (ROW VARIES)  
THOMAS ANDERSON LEAGUE  
SURVEY NO. 17

(N19°41'E 382.00')

(N26°31'E 192.58')

(S60°58'E 181.96')

(N60°00'W 272.06')  
VOL. 3513 PG. 459  
DRTC.

(S13°23'W 596.01')

POB

SURVEYED BY

FREDDIE E. DIPPEL, JR.  
REG. PROF. LAND SURVEYOR  
NO. 2988  
DATE 10-2-06



3103 Bee Cave Road Suite 202  
Austin Texas 78746-6819  
Tel (512) 327 2946  
Fax (512) 327 2973

**CA**  
Cunningham | Allen  
Engineers • Surveyors

I:\3900101\Drawings\ZONING TRACT1.dwg 9/28/2006 2:37:25 PM CDT